



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

September 29, 2004

CERTIFIED MAIL
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RETURN RECEIPT REQUESTED

NOTICE OF PAST VIOLATION

Town of Merrimack
Fearon Road
Merrimack, NH 03054

Attn.: William F. Mulligan, Interim Town Manager

Re: Town of Merrimack Transfer Station
Merrimack, New Hampshire
EPA ID # NHD510082043

Dear Mr. Mulligan:

On August 6, 2004, the Department of Environmental Services, Waste Management Division ("DES") conducted an inspection of the Town of Merrimack Transfer Station ("Merrimack Transfer"). The purpose of the inspection was to determine Merrimack Transfer's compliance status relative to RSA 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection and review of the information provided to DES, the following deficiencies were documented:

1 Env-Wm 807.06(b)(4) – Used Oil Management Standards

At the time of the inspection, DES confirmed that Merrimack Transfer had two (2) 275-gallon tanks, and two (2) 55-gallon drums storing used oil on-site which were not labeled with the words "used oil for recycle".

Env-Wm 807.06(b)(4) requires that all tanks and containers storing used oil be marked with the words "used oil for recycle".

DES requested that Merrimack Transfer label all tanks and containers storing used oil with the words "used oil for recycle".

A September 24, 2004 e-mail submittal from Mr. Steve Doumas, Foreman of the Merrimack Transfer station, documented that the tanks and containers storing used oil had been properly labeled.

2. Env-Wm 807.06(b)(5) – Used Oil Management Standards

At the time of the inspection, DES confirmed that two (2) 55-gallon containers storing used oil on-site were not closed.

Env-Wm 807.06(b)(5) requires that containers storing used oil be closed unless used oil is being actively added to, or actively removed from the container.

DES requested that Merrimack Transfer ensure that all containers storing used oil be closed unless actively adding used oil to, or actively removing used oil from the container.

A September 24, 2004 e-mail submittal from Steve Doumas, Foreman of the Merrimack Transfer Station, documented that containers storing used oil had been closed.

DES believes the deficiencies identified during the inspection have been corrected and acknowledges receipt of a report describing the corrective measures taken by Merrimack Transfer to achieve compliance. Accordingly, no further action in response to the listed deficiencies is required. However, DES personnel may re-inspect your facility at a later date to determine whether the facility is maintaining full compliance with the applicable rules. Fines may also be pursued for any or all violations observed during this or subsequent inspections of the facility.

Enclosed you will find a copy of the completed Hazardous Waste Generator Inspection Report which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at

<http://des.nh.gov/hwcs/>

or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your

waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 A.M. to 4:00 P.M. toll free at (866) HAZWAST (in-state only) or at (603) 271-2942.

If you believe that the deficiencies documented in this NOPV have been cited in error, or if you have any questions regarding this letter, please contact the lead inspector, Tim Prospert, or Tod G. Leedberg, RCRA Compliance Supervisor, at 271-2942. Specific questions regarding water-related issues may be directed to Stergios Spanos, of DES's Water Division at 271-6637, and for air-related issues, please contact Pam Monroe of DES's Air Resources Division at 271-1370. Thank you for your continued cooperation.

Sincerely,


COPY

John J. Duclos, Supervisor
Hazardous Waste Compliance Section
Waste Management Division

Cc: DB/RCRA/NOPV/Archives
Anthony P. Giunta, P.G., Director, Waste Management Division
Gretchen R. Hamel, Esq., Administrator, DES Legal Unit
Steve Doumas, Foreman, Merrimack Transfer Station

Email: JJD/SD/SS/PM

Enclosure: Inspection Modules